

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 17-57595

FELICIA ANN MILES,

Chapter 13

Debtor.

Judge Thomas J. Tucker

FELICIA MILES,

Plaintiff,

v.

Adv. Pro. No. 18-4052

MAIN STREET ASSET SOLUTIONS, INC.,

Defendant.

**ORDER DENYING PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT,
AND DISMISSING ADVERSARY PROCEEDING WITHOUT PREJUDICE**

This adversary proceeding is before the Court on the Plaintiff’s motion for a default judgment against the Defendant (Docket # 7, the “Motion”). The Court must deny the Motion, and the Court must dismiss this adversary proceeding, without prejudice, for the following reasons.

Plaintiff’s complaint in this adversary proceeding, filed January 30, 2018, seeks to strip a second mortgage lien from the Debtor’s real property, on the ground that the value of the property does not exceed the amount owing on the first mortgage.

Both this adversary proceeding and the main Chapter 13 bankruptcy case were filed after December 15, 2017, the effective date of the 2017 amendments to the Federal Rules of Bankruptcy Procedure. The amended rules therefore apply. Under those rules, a Chapter 13

debtor may seek to strip a lien only by a motion, a claim objection, or in the proposed Chapter 13 plan, all of which are contested matters to be filed in the main bankruptcy case. A Chapter 13 debtor no longer may seek such lien-strip relief by means of an adversary proceeding. *See* Fed. R. Bankr. P. 3012(b) and 7001(2).

Accordingly,

IT IS ORDERED that:

1. The Motion (Docket # 7) is denied.
2. This adversary proceeding is dismissed, without prejudice.

Signed on March 6, 2018



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge